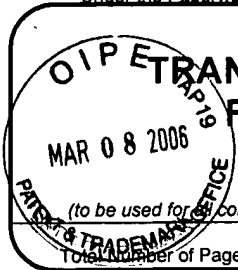


3-13-06

PTO/SB/21 (09-04)

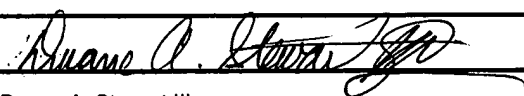
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCEAF
JPW

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

| | | |
|---|------------------------|-------------------|
|  | Application Number | 09/987,763 |
| | Filing Date | November 15, 2001 |
| | First Named Inventor | Corey M. Crafton |
| | Art Unit | 1633 |
| | Examiner Name | Sumesh Kaushal |
| | Attorney Docket Number | 030906 |
| Total Number of Pages in This Submission | | 53 |

| ENCLOSURES (Check all that apply) | | |
|---|---|--|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input checked="" type="checkbox"/> After Final <input checked="" type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Exhibits (5) Postcard |
| Remarks _____ Please mark postcard as received and return to our attention. | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|---|----------|--------|
| Firm Name | Buchanan Ingersoll PC | | |
| Signature |  | | |
| Printed name | Duane A. Stewart III | | |
| Date | March 8, 2006 | Reg. No. | 54,468 |

CERTIFICATE OF TRANSMISSION/MAILING

| | | | |
|---|--|------|--|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: | | | |
| Signature | | | |
| Typed or printed name | | Date | |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

| | |
|--|-------------------------------------|
| CERTIFICATE OF MAILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10 - SEPARATE PAPER | ATTORNEY'S DOCKET NO. 030906 |
|--|-------------------------------------|



IN RE APPLICATION OF:

Corey M. Crafton et al.

Application Serial No.:

09/987,763

Filing Date:

November 15, 2001

Title:

Nucleotide Sequences for Transcriptional Regulation of
Corynebacterium Glutamicum

Confirmation No.

7167

Examiner:

Sumesh Kaushal

Express Mail mailing label number: EV 662116447 US
Date of Deposit: March 8, 2006

I hereby certify that this paper or fee is being deposited with the

United States Postal Service "Express Mail Post Office to Addressee"

service under 37 CFR 1.10 on the date indicated above and is addressed

to MAIL STOP AF, Commissioner for Patents, P.O. Box 1450,

Alexandria, VA 22313-1450.

Maria N. Dupain

(Typed or printed name of person mailing paper or fee)

Maria N. Dupain

(Signature of person mailing paper or fee)



Attorney Docket No.: 030906

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | | | | |
|---------------------|--|---|--|---|-----------|-----------------|
| Applicants: | Crafton, Corey M. et al. | : | | : | Examiner: | Kaushal, Sumesh |
| | | : | | : | | |
| Serial No.: | 09/987,763 | : | | : | Art Unit: | 1633 |
| | | : | | : | | |
| Filing Date: | November 15, 2001 | : | | : | | |
| | | : | | : | | |
| Entitled: | NUCLEOTIDE SEQUENCES FOR TRANSCRIPTIONAL REGULATION OF CORYNEBACTERIUM GLUTAMICUM | | | | | |

SUPPLEMENTAL RESPONSE TO FINAL OFFICE ACTION

This response is submitted to supplement the "Response to Second Final Official Action" filed in this case on February 14, 2006. This response includes the Declaration Pursuant to 37 C.F.R. § 1.132 of Ms. Corey Crafton. Ms. Crafton is an inventor of the subject matter claimed in this invention, and is one skilled in the relevant art.

Ms. Crafton's Declaration attests to the utility of the claimed invention, as defined by 35 U.S.C. § 101. Ms. Crafton points out a number of factors that one skilled in the art would consider when deciding if the invention has utility. For example, she notes that the claimed sequence includes a Pribnow Box sequence that has 6 of 7 of the consensus nucleotides. Please note that on page 690 of Devlin, some guanine nucleotides are not clearly seen because they are in a difficult-to-reproduce yellow.

Ms. Crafton confirms the importance of the β -galactosidase assay that has been previously discussed in the applicant's responses. This assay and its associated activity is a clear indicator of utility, and would be recognized immediately as such by one skilled in the art.

Ms. Crafton further attests that the utility of SEQ ID NO:7 and related constructs and sequences is demonstrated by percent identity to a number of reference sequences. These sequences include references to *Corynebacterium*, *E. coli*, and *L. casei*. Finally, Ms. Crafton notes that the length of the claimed nucleotide sequences leads one to believe that they may have promoter utility.

The Declaration of Ms. Crafton, combined with the amendments and arguments made in the February 14, 2006, Response, clearly show that the claimed invention has utility. All claim rejections should be withdrawn, and the claims should be allowed. If the Examiner believes, for any reason, that personal communication will expedite allowance of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Duane A. Stewart III", with a stylized flourish at the end.

Duane A. Stewart III
Registration No. 54,468
BUCHANAN INGERSOLL PC
One Oxford Centre
301 Grant Street
Pittsburgh, Pennsylvania 15219
Attorneys for Assignee of Entire Interest
ph: (412) 562-1622
fx: (412) 562-1041

Date: March 8, 2006